

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 23, 2017 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 257, 2/16/2017; SB 259, 2/16/2017; SB 268, 2/16/2017;
SB 265, 2/16/2017; SB 295, 2/18/2017; SJ 14, 2/21/2017
Executive Action: SB 229-Do Pass As Amended, SB 268-Do Pass,
SB 295-Do Pass, SB 174-Do Pass As Amended, SB 265-Tabled,
SB 259-Tabled, SB 257-Tabled, SJ 14-Tabled

HEARING ON SB 265

Opening Statement by Sponsor:

00:01:50 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 265, Generally revise laws for assault of an officer.

Proponents' Testimony:

00:03:14 Joe Cohenour, retired patrolman, Montana Highway Patrol

Opponents' Testimony:

00:06:04 S.K. Rossi (ACLU)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:08:03 Chairman Regier
00:08:17 Sen. Cohenour
00:08:45 Sen. Fielder
00:09:43 Sen. Cohenour
00:11:12 Sen. Gross
00:11:24 Ms. Rossi, ACLU

Closing by Sponsor:

00:12:15 Sen. Cohenour

HEARING ON SB 259

Opening Statement by Sponsor:

00:13:53 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 259, Revise laws related to admissibility of seat belt use.

Proponents' Testimony:

00:16:03 Mark Baker, Montana Chamber of Commerce
00:23:42 Barry "Spook" Stang, Motor Carriers of Montana
00:24:24 Anna O'Donnell, Public Affairs and Communications officer, MountainWest AAA
00:24:52 John MacDonald, Alliance of Automobile Manufacturers
00:26:02 Lee Bruner, board member, Montana Defense Trial Lawyers Association (MDTLA)
00:27:33 Alan Hulse, chief executive officer, Montana Municipal Interlocal Authority
00:27:54 Mike Foster, Sisters of Charity Leavenworth Health Systems
00:28:23 Mona Jamison, General Motors

00:29:05 Eric Bryson, Montana Association of Counties
00:30:00 Steve Wade, Montana Contractors Association

Opponents' Testimony:

00:30:28 Al Smith, Montana Trial Lawyers Association (MTLA)
[EXHIBIT\(jus40a01\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:44:03 Sen. Gross
00:44:09 Sen. Fitzpatrick
00:45:03 Sen. Gross
00:45:25 Mr. Smith, MTLA
00:45:36 Sen. Swandal
00:45:47 Mr. Smith
00:46:02 Chairman Regier
00:46:28 Mr. Bruner, MDTLA

Closing by Sponsor:

00:46:41 Sen. Fitzpatrick

HEARING ON SB 268

Opening Statement by Sponsor:

00:47:44 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 268, Generally revise transparency in state employee settlement laws.

Proponents' Testimony:

00:50:16 John MacDonald, Montana Newspaper Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:51:17 Sen. MacDonald
00:51:36 Sen. Fitzpatrick

00:53:01 Chairman Regier
00:53:12 Sen. Fitzpatrick

Closing by Sponsor:

00:53:55 Sen. Fitzpatrick

HEARING ON SB 257

Opening Statement by Sponsor:

00:54:30 Sen. Roger Webb (R), SD 23, opened the hearing on SB 257, Generally revise laws related to solitary confinement.

Proponents' Testimony:

00:56:51 John Nolte, for stepson Aaron Jorgensen, inmate/Montana State Prison

[EXHIBIT\(jus40a02\)](#)

01:15:01 Joe Chalupa, for son Noah Chalupa

01:18:44 Kelsi Steele, Disability Rights Montana for Patti Jacques

01:20:39 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

01:21:12 Beth Brennenman, Disability Rights Montana; also for Montana Association of Christians

[EXHIBIT\(jus40a03\)](#)

[EXHIBIT\(jus40a04\)](#)

[EXHIBIT\(jus40a05\)](#)

[EXHIBIT\(jus40a06\)](#)

01:23:18 S.K. Rossi, ACLU

01:23:31 John Wilkinson, self

01:25:22 Dale Brandemihl, self

Opponents' Testimony:

01:30:25 Adrienne Slaughter, Department of Corrections (COR)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:35:44 Sen. MacDonald

01:36:08 Chairman Regier

01:36:17 Ms. Slaughter, COR

01:36:32 Sen. MacDonald

01:37:50 Sen. Webb

01:39:34 Sen. Vincent

01:40:11 Ms. Slaughter

01:40:44 Sen. Hinkle
01:41:10 Ms. Slaughter
01:43:05 Sen. Gross
01:43:20 Ms. Slaughter
01:46:09 Sen. Fielder
01:47:23 Ms. Slaughter
01:48:35 Sen. Sands
01:49:22 Ms. Slaughter

Closing by Sponsor:

01:49:36 Sen. Webb

HEARING ON SJ 14

Opening Statement by Sponsor:

01:51:00 Sen. Roger Webb (R), SD 23, opened the hearing on SJ 14, Legislative resolution directing congress to call article 5 amendment convention.

Proponents' Testimony:

None

Opponents' Testimony:

01:55:23 Ed Regan, self, Townsend
[EXHIBIT\(jus40a07\)](#)

01:59:59 Claudette Morton, volunteer, Public Policy chair, Montana League of Women Voters

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

02:01:14 Sen. Webb

HEARING ON SB 295

Opening Statement by Sponsor:

02:02:15 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 295, Require federalism training for certain state employees.

Proponents' Testimony:

None

Opponents' Testimony:

02:11:20 Rachel Carroll Rivas, Montana Human Rights Network

02:14:09 Ben Lamb, Montana Wildlife Federation; also for National Wildlife Federation

Informational Testimony:

None

Questions from Committee Members and Responses:

02:16:50 Sen. Sands

02:17:36 Sen. Fielder

02:22:46 Sen. Hinkle

02:23:18 Sen. Fielder

02:25:07 Sen. MacDonald

02:25:29 Sen. Fielder

Closing by Sponsor:

02:26:14 Sen. Fielder

02:27:54 Brief Recess

02:44:04 Reconvene

Sen. Boland absent from the hearing room.

EXECUTIVE ACTION ON SB 229

02:44:17 **Motion:** Sen. Fielder moved that **SB 229 DO PASS.**

02:44:43 **Motion:** Sen. Fielder moved that **SB 229 BE AMENDED.**

[EXHIBIT\(jus40a08\)](#)

Discussion:

02:45:09 Todd Everts, Legislative Services Division

02:46:19 Sen. Gross

02:46:37 Sen. Sands

02:47:29 Sen. Swandal

02:48:38 Sen. Fielder

02:49:00 Sen. Gross

02:49:12 **Vote:** Motion carried unanimously by voice vote. Sen. Boland and Sen. S. Sales voted by proxy.

02:49:38 **Motion/Vote:** Sen. Fielder moved that **SB 229 DO PASS AS AMENDED**.
Motion carried unanimously by voice vote. Sen. Boland and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 265

02:50:20 **Motion:** Sen. Fielder moved that **SB 265 DO PASS**.

Discussion:

02:50:46 Sen. Swandal
02:51:16 Sen. Sands
02:51:36 Sen. Gross
02:52:30 Chairman Regier
02:52:34 Sen. Sands
02:53:18 Chairman Regier
02:53:25 Sen. Gross

02:53:44 **Vote:** Motion failed 4-7 by roll call vote with Sen. Boland, Sen. MacDonald, Sen. Sands and Sen. Swandal voting aye. Sen. Boland and Sen. S. Sales voted by proxy.

02:54:19 **Motion/Vote:** Sen. Sands moved that **SB 265 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Boland and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 268

02:54:55 **Motion:** Sen. Fielder moved that **SB 268 DO PASS**.

Discussion:

02:55:19 Sen. Sands
02:55:39 Sen. Fielder

02:56:20 **Vote:** Motion carried 8-3 by roll call vote with Sen. Boland, Sen. MacDonald and Sen. Sands voting no. Sen. Boland and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 259

02:56:52 **Motion:** Sen. Fielder moved that **SB 259 DO PASS**.

Discussion:

02:57:29 Sen. Swandal
02:58:50 Chairman Regier
02:59:01 Sen. Swandal
02:59:11 Sen. MacDonald
03:00:38 Sen. Hinebauch
03:01:04 Sen. Sands

03:01:33 Sen. Gross

03:02:01 **Vote:** Motion failed 4-7 by roll call vote with Sen. Boland, Sen. Gross, Sen. Sands and Sen. Swandal voting aye. Sen. Boland and Sen. S. Sales voted by proxy.

03:02:14 **Motion/Vote:** Sen. Fielder moved that **SB 259 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Boland and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 257

03:02:38 **Motion:** Sen. Fielder moved that **SB 257 DO PASS**.

03:03:08 **Motion:** Sen. Fielder moved that **SB 257 BE AMENDED**.
[EXHIBIT\(jus40a09\)](#)

Discussion:

03:03:19 Todd Everts, Legislative Services Division (LSD)
03:03:45 Sen. MacDonald
03:04:02 Mr. Everts, LSD
03:04:26 Sen. Fielder
03:04:57 Sen. Swandal
03:05:36 Sen. Fielder
03:05:55 Mr. Everts

03:06:09 **Vote:** Motion carried 6-5 by roll call vote with Sen. Fielder, Sen. Gross, Sen. Hinebauch, Sen. Hinkle and Sen. K. Regier voting no. Sen. Boland and Sen. S. Sales voted by proxy.

03:07:03 **Motion:** Sen. Fielder moved that **SB 257 DO PASS AS AMENDED**.

Discussion:

03:07:15 Sen. Sands
03:08:05 Sen. Hinkle
03:08:27 Mr. Everts
03:09:26 Sen. Gross
03:09:59 Chairman Regier
03:10:07 Sen. MacDonald
03:11:45 Sen. Gross
03:13:20 Chairman Regier
03:14:19 Sen. Fielder
03:15:26 Sen. MacDonald
03:17:10 Sen. Fielder
03:17:47 Sen. Hinkle
03:18:35 Chairman Regier
03:18:50 Sen. Gross
03:19:53 Sen. Sands

03:20:51 Sen. Swandal

03:21:48 **Vote:** Motion failed 5-6 by roll call vote with Sen. Boland, Sen. Fielder, Sen. Gross, Sen. Hinkle and Sen. Sands voting aye. Sen. Boland and Sen. S. Sales voted by proxy.

03:21:52 **Motion/Vote:** Sen. Fielder moved that **SB 257 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Boland and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SJ 14

03:22:14 **Motion/Vote:** Sen. Fielder moved that **SJ 14 DO PASS**. Motion failed 1-10 by roll call vote with Sen. Swandal voting aye. Sen. Boland and Sen. S. Sales voted by proxy.

03:23:19 **Motion/Vote:** Sen. Fielder moved that **SJ 14 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. Boland and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 295

03:23:43 **Motion:** Sen. Fielder moved that **SB 295 DO PASS**.

Discussion:

03:24:11 Sen. Sands
03:25:05 Sen. Vincent
03:26:19 Sen. Hinkle
03:27:13 Sen. Gross
03:27:50 Sen. Fielder
03:28:47 Sen. Gross

03:29:19 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Boland and Sen. S. Sales voted by proxy.

03:30:11 Sen. Sands
03:30:14 Chairman Regier

EXECUTIVE ACTION ON SB 174

03:30:24 **Motion/Vote:** Sen. Vincent moved that **SB 174 BE REMOVED FROM TABLE**. Motion carried 6-3 by roll call vote with Sen. Gross, Sen. MacDonald and Sen. Sands voting no. (Present and voting only)

03:32:00 **Motion:** Sen. Vincent moved that **SB 174 DO PASS**.

03:32:11 **Motion:** Sen. Vincent moved that **SB 174 BE AMENDED**.

[**EXHIBIT\(jus40a10\)**](#)

Discussion:

03:33:44 Sen. Fielder
03:33:55 Sen. Vincent
03:34:15 Sen. Gross
03:34:25 Sen. Vincent

03:35:28 **Vote:** Motion carried unanimously by roll call vote. Sen. Boland and Sen. S. Sales voted by proxy.

03:35:30 **Motion/Vote:** Sen. Vincent moved that **SB 174 DO PASS AS AMENDED**. Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Boland and Sen. S. Sales voted by proxy.

Committee Business:

03:36:27 Chairman Regier
03:37:04 Sen. Hinebauch
03:37:24 Sen. Gross

ADJOURNMENT

Adjournment: 11:40 A.M.

Pam Schindler, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus40aad.pdf](#))